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As of: November 16, 2010 (2:27pm)

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#1

12.6.10

**** Senate Resolution No. ****

Introduced By *****

By Request of the *****

A Resolution of the Senate of the State of Montana adopting the
Senate rules.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF
MONTANA:

That the following ~~rules~~ Senate Rules be adopted:

RULES OF THE MONTANA

SENATE

CHAPTER 1

Administration

S10-10. Officers of the Senate. The officers of the Senate
are the officers listed and elected in accordance with Title 5,
chapter 2, part 2, MCA.

S10-20. Term of office. The term of office for the officers
and employees of the Senate established by law is until the
succeeding Legislature is organized. This rule may not be
construed to mean the staff will be full-time employees during an
interim.

**S10-30. President, President pro tempore, and other
officers.** (1) The Senate shall, at the beginning of each regular
session, and at other times as may be necessary, elect a Senator

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As of: November 16, 2010 (2:27pm)

LC9002

1 as President and a Senator as President pro tempore.

2 (2) The Senate shall choose its other officers and is the
3 judge of the elections, returns, and qualifications of the
4 Senators.

5 **S10-40. Voting by presiding officer.** Any Senator, when
6 acting as presiding officer of the Senate, shall vote as any
7 other Senator.

8 **S10-50. Presiding officer and duties.** (1) The presiding
9 officer of the Senate is the President of the Senate, who must be
10 chosen in accordance with law.

11 (2) The President shall take the chair on every legislative
12 day at the hour to which the Senate adjourned at the last
13 sitting.

14 (3) The President may name a Senator to perform the duties
15 of the President when the President pro tempore is not present in
16 the Senate chamber. The Senator who is named is vested during
17 that time with all the powers of the President.

18 (4) The President has general control over the assignment
19 of rooms for the Senate and shall preserve order and decorum. The
20 President may order the galleries and lobbies cleared in case of
21 disturbance or disorderly conduct.

22 ~~(5) The President shall issue cards to the media to allow~~
23 ~~floor access, and reporters holding the cards are subject to~~
24 ~~placement on the floor by the President. The President may~~
25 ~~administer this rule through the office of the Secretary of the~~
26 ~~Senate.~~

27 ~~(6)~~ (5) The President shall sign all necessary

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As of: November 16, 2010 (2:27pm)

LC9002

1 certifications of the Senate, including enrolled bills and
2 resolutions, journals, subpoenas, and payrolls. The President's
3 signature must be attested by the Secretary of the Senate.

4 ~~(7)~~(6) The President shall approve the calendar for each
5 legislative day.

6 ~~(8)~~(7) The President is the chief administrative officer of
7 the Senate, with authority for the general supervision of all
8 Senate employees. The President may seek the advice and counsel
9 of the Legislative Administration Committee.

10 ~~(9)~~(8) The President of the Senate is the authorized
11 approving authority of the Senate during the term of election to
12 that office.

13 ~~(10)~~(9) The President shall refer bills to committee upon
14 introduction or reception in the office of the Secretary of the
15 Senate.

16 **S10-60. Succession.** (1) In case of the absence or
17 disqualification of the President, the President pro tempore of
18 the Senate shall perform the duties of the President until the
19 vacancy is filled or the disability removed.

20 (2) Whenever the President pro tempore of the Senate is of
21 the opposite political party from that of the President, the
22 following procedure applies:

23 (a) If the President dies while in office, the members of
24 the Senate have the right to immediately nominate and elect an
25 acting President of the same party.

26 (b) If the President is absent for 2 or more legislative
27 days or at any time after the 85th legislative day or at any time

Unofficial Draft Copy

As of: November 16, 2010 (2:27pm)

LC9002

1 during special session of the Legislature and wants to appoint an
2 acting President during the President's absence, the President
3 may do so, or the members of the Senate have the right to
4 immediately nominate and elect an acting President of the
5 President's caucus.

6 (c) An acting President of the Senate has the powers of the
7 President and supersedes the powers of the President pro tempore.

8 **S10-70. President-elect.** The President-elect nominated by
9 the appropriate party caucus held in accordance with section
10 5-2-201, MCA, has the responsibility and authority to assume the
11 duties of President of the Senate.

12 **S10-80. Legislative Administration Committee duties.** (1) The
13 Legislative Administration Committee shall consider matters
14 relating to legislative administration, staffing patterns,
15 budgets, equipment, operations, and expenditures.

16 (2) The committee has authority to act in the interim to
17 prepare for future legislative sessions.

18 (3) The committee shall approve contracts for purchase or
19 lease of equipment and supplies for the Senate, subject to the
20 approval of the President.

21 (4) The committee shall consider disputes or complaints
22 involving the competency or decorum of legislative employees
23 referred to it by the President and recommend dismissal,
24 suspension, or retention of employees.

25 (5) The chair of the Legislative Administration Committee
26 may, upon approval of the President, have purchase orders and
27 requisitions prepared and forwarded to the accounting office in

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As of: November 16, 2010 (2:27pm)

LC9002

1 the Legislative Services Division.

2 **S10-90. Majority Leader.** The primary functions of the
3 majority leader usually relate to floor duties. The duties of the
4 majority leader may include but are not limited to:

5 (1) being the lead speaker for the majority party during
6 floor debates;

7 (2) helping the President develop the calendar;

8 (3) assisting the President with program development,
9 policy formation, and policy decisions;

10 (4) presiding over the majority caucus meetings; and

11 (5) other duties as assigned by the caucus.

12 **S10-100. Majority Whip.** The duties of the majority whip may
13 include but are not limited to:

14 (1) assisting the majority leader;

15 (2) ensuring member attendance;

16 (3) counting votes;

17 (4) generally communicating the majority position; and

18 (5) other duties as assigned by the caucus.

19 **S10-110. Minority Leader.** The minority leader is the
20 principal leader of the minority caucus. The duties of the
21 minority leader may include but are not limited to:

22 (1) developing the minority position;

23 (2) negotiating with the majority party;

24 (3) directing minority caucus activities on the chamber
25 floor;

26 (4) leading debate for the minority; and

27 (5) other duties as assigned by the caucus.

Unofficial Draft Copy

As of: November 16, 2010 (2:27pm)

LC9002

1 **S10-120. Minority Whip.** The major responsibilities for the
2 minority whip may include but are not limited to:

- 3 (1) assisting the minority leader on the floor;
4 (2) counting votes;
5 (3) ensuring attendance of minority party members; and
6 (4) other duties as assigned by the caucus.

7 **S10-130. Senate employees.** (1) In addition to the employees
8 appointed by the President in accordance with section 5-2-221,
9 MCA, the Senate shall employ staff recommended by the leadership
10 and the Legislative Administration Committee as necessary to
11 perform the functions of the Senate.

12 (2) The Secretary of the Senate shall designate a secretary
13 to take ~~and transcribe~~ minutes of committee meetings for each
14 standing committee. A committee secretary is immediately
15 responsible to the chair, but shall work under the overall
16 direction of the Secretary of the Senate, subject to authority of
17 the committee chair.

18 (3) The President, majority leader, and minority leader may
19 each appoint a private secretary.

20 **S10-140. Secretary of the Senate and duties.** The Secretary
21 of the Senate works under the direction of the President. The
22 responsibilities of the Secretary of the Senate include:

- 23 (1) performing the duties prescribed by law or other
24 provisions of these rules;
25 (2) serving as parliamentary advisor to the Senate;
26 (3) compiling and maintaining the calendar for approval by
27 the President;

Unofficial Draft Copy

As of: November 16, 2010 (2:27pm)

LC9002

1 (4) keeping the leadership informed on the progress and
2 workload of the Senate;

3 (5) transmitting bills with appropriate messages to the
4 House of Representatives as instructed by action of the Senate;

5 (6) keeping and maintaining records of the Senate; and

6 (7) supervision of the Senate employees, except as
7 otherwise provided.

8 **S10-150. Sergeant-at-Arms duties.** Under the direction of the
9 President, the Sergeant-at-Arms shall:

10 (1) maintain order as directed by the President or chair of
11 the Committee of the Whole;

12 (2) enforce the lobbying rules of the Senate;

13 (3) supervise the employees assigned to the Sergeant's
14 office;

15 (4) receive, distribute, and maintain supplies, equipment,
16 and other inventory of the Senate, along with records of purchase
17 and disposal in accordance with law;

18 (5) perform duties as required by other rules and the
19 Senate.

20 **S10-160. Legislative aides.** Each Senator may designate one
21 person of legal age to serve as an aide during the session.
22 Exceptions to this policy may be approved by the Rules Committee.
23 The Senator shall register an aide with the Secretary of the
24 Senate and arrange for the purchase of a name tag with the
25 Sergeant-at-Arms.

26 **S10-170. Senate journal.** (1) The Senate shall keep and
27 authenticate a journal of its proceedings as required by law and

Unofficial Draft Copy

As of: November 16, 2010 (2:27pm)

LC9002

1 the rules.

2 (2) The Secretary of the Senate will supervise the
3 preparation of the journal by the journal clerks trained by the
4 Legislative Services Division under the direction of the
5 President.

6 (3) In addition to the proceedings required by law to be
7 recorded, the journal must include:

8 (a) committee reports;

9 (b) every motion, the name of the Senator presenting it,
10 and its disposition;

11 (c) the introduction of legislation in the Senate;

12 (d) consideration of legislation subsequent to
13 introduction;

14 (e) roll call votes;

15 (f) messages from the Governor and the House of
16 Representatives;

17 (g) every amendment, the name of the Senator presenting it,
18 and its disposition;

19 (h) the names of Senators and their votes on any question
20 upon a request by two Senators before a vote is taken; and

21 (i) any other records the Senate directs by rule or action.

22 (4) The Secretary of the Senate shall provide information
23 that may be necessary for the preparation of the daily journal
24 for printing by the Legislative Services Division. Upon approval
25 by the President, the daily journal must be reproduced and made
26 available.

27 (5) Any Senator may examine the daily journal and propose

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As of: November 16, 2010 (2:27pm)

LC9002

1 corrections. Without objection by the Senate, the President may
2 direct the correction to be made.

3 (6) The President shall authenticate the original daily
4 journal, from time to time, and the Secretary of the Senate
5 shall, as appropriate, deliver it to the Legislative Services
6 Division to be prepared for publication and distribution in
7 accordance with law.

8 CHAPTER 2

9 Decorum

10 **S20-10. Questions of order -- appeal.** The President of the
11 Senate shall decide all questions of order, subject to an appeal
12 by any Senator seconded by two other Senators. A Senator may not
13 speak more than once on an appeal without the consent of a
14 majority of the Senate.

15 **S20-20. Violation of rules -- call to order -- appeal.** (1)
16 If a Senator, in speaking or otherwise, violates the rules of the
17 Senate, the President shall, or the majority leader or minority
18 floor leader may, call the Senator to order, in which case the
19 Senator called to order must be seated immediately.

20 (2) The Senator called to order may move for an appeal to
21 the Senate, and if the motion is seconded by two Senators, the
22 matter must be submitted to the Senate for determination by
23 majority vote. The motion is nondebatable.

24 (3) If the decision of the Senate is in favor of the
25 Senator called to order, the Senator may proceed. If the decision
26 is against the Senator, the Senator may not proceed.

27 (4) If a Senator is called to order, the matter may be

Unofficial Draft Copy

As of: November 16, 2010 (2:27pm)

LC9002

1 referred to the Rules Committee by the minority or majority
2 leader. The Committee may recommend to the Senate that the
3 Senator be censured or be subject to other action. Censure
4 consists of an official public reprimand of a Senator for
5 inappropriate behavior. The Senate shall act upon the
6 recommendation of the Committee.

7 **S20-30. Questions of privilege -- restrictions.** (1)

8 Questions of privilege in order of precedence are those:

9 (a) affecting the collective rights, safety, dignity, or
10 integrity of the proceedings of the Senate; and

11 (b) affecting the rights, reputation, or conduct of
12 individual Senators in their capacity as Senators.

13 (2) A Senator may not address the Senate on a question of
14 privilege between the time:

15 (a) an undebatable motion is offered and the vote is taken
16 on the motion;

17 (b) the previous question is ordered and the vote is taken
18 on the proposition included under the previous question; or

19 (c) a motion to lay on the table is offered and the vote is
20 taken on the motion.

21 **S20-40. Recognition by chair.** A Senator desiring to speak
22 shall rise and address the presiding officer and, once being
23 recognized, shall speak standing in place. The presiding officer
24 may grant permission for a speaker to speak from elsewhere in the
25 chamber. When two or more Senators rise at the same time, the
26 presiding officer shall name the order of the speakers.

27 **S20-50. Floor privileges.** (1) When the Senate is in session

Unofficial Draft Copy

As of: November 16, 2010 (2:27pm)

LC9002

1 no person is permitted in the chambers except:

2 (a) legislators;

3 (b) legislative officers and employees whose presence is
4 necessary for the conduct of business of the session;

5 (c) ~~accredited members~~ registered representatives of the
6 ~~news~~ media; and

7 (d) former legislators (not currently registered as
8 lobbyists).

9 (2) The President may make exceptions for visiting
10 dignitaries.

11 (3) Beginning 1 hour before and ending one-half hour after
12 adjournment, no person is permitted in the chambers except those
13 authorized as exceptions under subsection (1) or (2).

14 **S20-60. Communications to Senate.** A communication to the
15 Senate must be addressed to the President and must bear the name
16 of the person submitting it. The President shall decide if the
17 communication bears including in the calendar.

18 **S20-70. Distribution of materials on floor -- exception.** (1)
19 Subject to subsection (2), material may not be distributed on the
20 Senators' desks in the chamber unless the material bears the
21 signature of the bearer and a Senator and has been approved by
22 the President.

23 (2) Subsection (1) does not apply to material written by
24 staff at the request of a Senator and placed on the Senator's
25 desk.

26 CHAPTER 3

27 Committees

Unofficial Draft Copy

As of: November 16, 2010 (2:27pm)

LC9002

1 **S30-10. Committee appointments.** (1) There is a Committee on
2 Committees consisting of six members. If the Senate is evenly
3 divided between parties, the committee shall consist of six
4 Senators, three from the majority party and three from the
5 minority party.

6 (2) The Committee on Committees shall, with the approval of
7 the Senate, appoint the members of Senate standing committees,
8 select committees, and joint committees. Prior to making
9 committee assignments, the Committee on Committees shall take
10 into consideration the recommendations of the minority leader for
11 minority committee assignments. With the exception of Senators
12 serving in leadership positions, each Senator must be appointed
13 to a class 1 committee and to a class 2 or class 3 committee
14 unless the Senator requests to not be appointed to a second
15 committee.

16 (3) The President of the Senate shall appoint all
17 conference committees and special committees, with the advice of
18 the majority leader and minority leader.

19 (4) The Senate may change the membership of any committee
20 on 1 day's notice.

21 **S30-20. Standing committees -- classification.** (1) The
22 standing committees of the Senate are as follows:

23 (a) class one committees:

24 (i) Business, Labor, and Economic Affairs;

25 (ii) Finance and Claims;

26 (iii) Judiciary; and

27 (iv) Taxation;

Unofficial Draft Copy

As of: November 16, 2010 (2:27pm)

LC9002

(b) class two committees:

(i) Education and Cultural Resources;

(ii) Local Government;

(iii) Natural Resources;

(iv) Public Health, Welfare, and Safety; and

(v) State Administration;

(c) class three committees:

(i) Agriculture, Livestock, and Irrigation;

(ii) Energy;

(iii) Fish and Game; and

(iv) Highways and Transportation; and

(d) on call committees:

(i) Ethics;

(ii) Legislative Administration; and

(iii) Rules.

(2) A class 1 committee is scheduled to meet Monday through Friday. A class 2 committee is scheduled to meet Monday, Wednesday, and Friday. A class 3 committee is scheduled to meet Tuesday and Thursday. Unless a class is prescribed for a committee, it meets upon the call of the chair.

(3) The Legislative Council shall review the workload of the standing committees to determine if any change is indicated in the class of a standing committee for the next legislative session. The Legislative Council's recommendations must be submitted to the leadership nominated or elected at the pre-session caucus provided for in 5-2-201.

S30-40. Ex officio members -- quorum. (1) A quorum of a

Unofficial Draft Copy

As of: November 16, 2010 (2:27pm)

LC9002

1 committee is a majority of the members of the committee. A
2 quorum of a committee must be present at a meeting to act
3 officially. A quorum of a committee may transact business, and a
4 majority of the quorum, even though it is a minority of the
5 committee, is sufficient for committee action.

6 (2) The majority leader and the minority leader are ex
7 officio nonvoting members of all committees in order to establish
8 a quorum.

9 **S30-50. Chair's duties.** (1) The chair of a committee is the
10 presiding officer of that committee and is responsible for:

11 (a) maintaining order within the committee room and its
12 environs;

13 (b) scheduling hearings and executive action;

14 (c) supervising committee work, including the appointment
15 of subcommittees to act on a formal or informal basis; and

16 (d) authenticating committee reports by signing them and
17 submitting them promptly to the Secretary of the Senate. The
18 chair shall sign business reports reflecting action taken in each
19 committee meeting that enable the preparation of committee
20 minutes. The minutes must be printed on archival paper.

21 (2) The Secretary of the Senate shall arrange to have the
22 minutes copied in an electronic format. An electronic copy will
23 be provided to the Legislative Services Division and the State
24 Law Library of Montana. The archival paper copy must be delivered
25 to the Montana Historical Society.

26 **S30-60. Meetings -- notice -- purpose -- minutes.** (1) All
27 meetings of committees must be open to the public at all times,

Unofficial Draft Copy

As of: November 16, 2010 (2:27pm)

LC9002

1 subject always to the power and authority of the chair to
2 maintain safety, order, and decorum. The date, time, and place of
3 committee meetings must be announced.

4 (2) Notice of a committee hearing must be made by posting
5 the date, time, and subject of the hearing in a conspicuous
6 public place not less than 3 legislative days in advance of the
7 hearing. This 3-day notice requirement does not apply to hearings
8 scheduled:

9 (a) prior to the third legislative day;

10 (b) less than 10 legislative days before the transmittal
11 deadline applicable to the subject of the hearing;

12 (c) to consider confirmation of a gubernatorial appointment
13 received less than 10 legislative days before the last scheduled
14 day of a legislative session; or

15 (d) due to appropriate circumstances.

16 (3) When a committee hearing is scheduled with less than 3
17 days' notice, the committee chair shall use all practical means
18 to disseminate notice of the hearing to the public.

19 (4) Notice of conference committee hearings must be given
20 as provided in Joint Rule 30-30.

21 (5) A committee or subcommittee may be assembled for:

22 (a) a public hearing at which testimony is to be heard and
23 at which official action may be taken on bills, resolutions, or
24 other matters;

25 (b) a formal meeting at which the committees may discuss
26 and take official action on bills, resolutions, or other matters
27 without testimony; or

Unofficial Draft Copy

As of: November 16, 2010 (2:27pm)

LC9002

1 (c) a work session at which the committee may discuss
2 bills, resolutions, or other matters but take no formal action.

3 (6) All committees meet at the call of the chair or upon
4 the request of a majority of the members of the committee.

5 (7) A committee may not meet during the time the Senate is
6 in session without leave of the President. Any Senator attending
7 a meeting while the Senate is in session must be considered
8 excused to attend business of the Senate subject to a call of the
9 Senate.

10 (8) All meetings of committees must be recorded and the
11 minutes must be available to the public within a reasonable time
12 after the meeting. The official record must contain at least the
13 following information:

14 (a) the time and place of each meeting of the committee;

15 (b) committee members present, excused, or absent;

16 (c) the names and addresses of persons appearing before the
17 committee, whom each represents, and whether the person is a
18 proponent, opponent, or other witness;

19 (d) all motions and their disposition;

20 (e) the results of all votes; and

21 (f) all testimony and exhibits.

22 (9) If a bill is heard in a joint committee, it must be
23 referred to a standing committee. The standing committee is not
24 required to hold an additional hearing but shall take executive
25 action and may report the bill to the committee of the whole.

26 (10) A bill or resolution may not be considered or become a
27 law unless referred to a committee and returned from a committee.

Unofficial Draft Copy

As of: November 16, 2010 (2:27pm)

LC9002

1 (11) A bill may be rereferred at any time before its
2 passage.

3 **S30-70. Procedures -- member privileges.** (1) The chair
4 shall notify the sponsor of any bill pending before the committee
5 of the time and place it will be considered.

6 (2) A standing or select committee may not hear legislation
7 unless the sponsor or one of the cosponsors is present or unless
8 the sponsor has given written consent.

9 (3) (a) Subject to subsection (3)(b), the committee shall
10 act on each bill in its possession:

11 (i) by reporting the bill out of the committee:

12 (A) with the recommendation that it be referred to another
13 committee;

14 (B) favorably as to passage; or

15 (C) unfavorably; or

16 (ii) by tabling the measure in committee.

17 (b) At the written request of the sponsor, a committee may
18 finally dispose of a bill without a hearing. Except as provided
19 in S30-60(7), a bill may not be reported from a committee without
20 a hearing.

21 (4) The committee may not report a bill to the Senate
22 without recommendation.

23 (5) In reporting a measure out of committee, a committee
24 shall include in its report:

25 (a) the measure in the form reported out;

26 (b) the recommendation of the committee;

27 (c) an identification of all proposed changes; and

Unofficial Draft Copy

As of: November 16, 2010 (2:27pm)

LC9002

1 (d) a fiscal note, if required.

2 (6) If a measure is taken from a committee and brought to
3 the Senate floor for debate on second reading on that day without
4 a committee recommendation, the bill does not include amendments
5 formally adopted by the committee because committee amendments
6 are merely recommendations to the Senate that are formally
7 adopted when the committee report is accepted by the Senate.

8 (7) A second to any motion offered in a committee is not
9 required in order for the motion to be considered by the
10 committee.

11 (8) The vote of each member on all committee actions must
12 be recorded and reported in the committee minutes. All motions
13 may be adopted only on the affirmative vote of a majority of the
14 members voting.

15 (9) A motion to take a bill from the table may be adopted
16 by the affirmative vote of a majority of the members present at
17 any meeting of the committee.

18 (10) An action formally taken by a committee may not be
19 altered in the committee except by reconsideration and further
20 formal action of the committee.

21 (11) A committee may reconsider any action as long as the
22 matter remains in the possession of the committee. A bill is in
23 the possession of the committee until a report on the bill is
24 made to the committee of the whole. A committee member need not
25 have voted with the prevailing side in order to move
26 reconsideration.

27 (12) The chair shall decide points of order.

Unofficial Draft Copy

As of: November 16, 2010 (2:27pm)

LC9002

1 (13) The privileges of committee members include the
2 following:

3 (a) to participate freely in committee discussions and
4 debate;

5 (b) to offer motions;

6 (c) to assert points of order and privilege;

7 (d) to question witnesses upon recognition by the chair;

8 (e) to offer any amendment to any bill; and

9 (f) to vote, either by being present or by proxy, using a
10 standard form.

11 (14) Any meeting of a committee held through the use of
12 telephone or other electronic communication must be conducted in
13 accordance with Chapter 3 of the Senate Rules.

14 (15) A committee may consolidate into one bill any two or
15 more related bills referred to it whenever legislation may be
16 simplified by the consolidation.

17 (16) Committee procedure must be informal, but when any
18 questions arise on committee procedure, the rules or practices of
19 the Senate are applicable except as stated in the Senate Rules.

20 **S30-80. Public testimony -- decorum -- time restrictions.**

21 (1) Testimony from proponents, opponents, and informational
22 witnesses must be allowed on every bill or resolution before a
23 standing or select committee. All persons, other than the
24 sponsor, offering testimony shall register on the committee
25 witness list.

26 (2) Any person wishing to offer testimony to a committee
27 hearing a bill or resolution must be given a reasonable

Unofficial Draft Copy

As of: November 16, 2010 (2:27pm)

LC9002

1 opportunity to do so, orally or in writing, subject to time
2 constraints. Written testimony may not be required of any
3 witness, but all witnesses must be encouraged to submit a
4 statement in writing for the committee's official record.

5 (3) The chair may order the committee room cleared of
6 visitors if there is disorderly conduct. During committee
7 meetings, visitors may not speak unless called upon by the chair.
8 Restrictions on time available for testimony may be announced.

9 (4) The number of people in a committee room may not exceed
10 the maximum posted by the State Fire Marshall. The chair shall
11 maintain that limit.

12 (5) In any committee meeting, the use of cameras,
13 television, radio, or any form of telecommunication equipment is
14 allowed, but the chair may designate the areas of the hearing
15 room from which the equipment must be operated. Cell phone use
16 is at the discretion of the chair.

17 **S30-100. Pairs prohibited -- absentee or proxy voting.** Pairs
18 in standing committee are prohibited. Standing and select
19 committees may by a majority vote of the committee authorize
20 Senators to vote in absentia while engaged in other legislative
21 business. Authorization for absentee or proxy voting must be
22 reflected in the committee minutes.

23 **S30-140. Reconsideration in committee.** A committee may at
24 any time prior to submitting a report to the Secretary of the
25 Senate reconsider its previous action on legislation.

26 **S30-150. Committee requested legislation.** (1) (a) Except as
27 provided in subsection (1)(b), at least three-fourths of all the

Unofficial Draft Copy

As of: November 16, 2010 (2:27pm)

LC9002

1 members of a standing committee must have voted in favor of the
2 question to allow the committee to request the drafting and
3 introduction of legislation.

4 (b) The Finance and Claims Committee may request the
5 drafting and introduction of legislation by a majority vote of
6 all of the members of the committee.

7 (2) The chair of a committee shall introduce, or shall
8 designate a member of the committee to introduce, legislation
9 requested by the committee. The introduced bill must be referred
10 to the requesting committee.

11 **S30-160. Ethics Committee.** (1) The Ethics Committee shall
12 meet only upon the call of the chair after the referral of an
13 issue from the Rules Committee or to consider a request for a
14 determination pursuant to subsection (4). The Rules Committee may
15 be convened to consider the referral of a matter to the Ethics
16 Committee upon the request of a Senator. The Rules Committee
17 shall prepare a written statement of the specific question or
18 issue to be addressed by the Ethics Committee. The issues
19 referred to the Ethics Committee must be related to the actions
20 of a Senator during a legislative session.

21 (2) The matters that may be referred to the Ethics
22 Committee are:

23 (a) a violation of:

24 (i) 2-2-103;

25 (ii) 2-2-104;

26 (iii) 2-2-111;

27 (iv) 2-2-112;

Unofficial Draft Copy

As of: November 16, 2010 (2:27pm)

LC9002

1 (b) the use or threatened use of a Senator's position for
2 personal or personal business benefit or advantage; or

3 (c) any other violation of law by a Senator while acting in
4 the capacity of Senator.

5 (3) If there is a recommendation from the Ethics Committee,
6 the recommendation is made to the Senate.

7 (4) As provided in 2-2-112, a Senator may seek a
8 determination from the Ethics Committee concerning the
9 possibility of a personal conflict of interest.

10 CHAPTER 4

11 Legislation

12 **S40-10. Types of legislation.** The only types of legislation
13 that may be introduced in the Senate are those that have been
14 drafted and approved by the Legislative Services Division and
15 signed by a Senator as chief sponsor. The types of legislation
16 allowed include:

- 17 (1) bills of any subject, except appropriations;
18 (2) joint resolutions, which may be used for any purpose
19 specified in Joint Rule 40-60; and
20 (3) simple resolutions, which may:
21 (a) adopt or amend Senate rules;
22 (b) provide for the internal affairs of the Senate;
23 (c) express confirmation of the Governor's appointments; or
24 (d) make recommendations concerning the districting and
25 apportionment plan as provided by Article V, section 14(4), of
26 the Montana Constitution.

27 **S40-20. Introduction -- first reading.** (1) Upon receiving a

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As of: November 16, 2010 (2:27pm)

LC9002

1 bill or resolution from a Senator, the Secretary of the Senate
2 shall assign an appropriate sequential number, which constitutes
3 introduction of the legislation. Legislation properly introduced
4 or received in the Senate must be announced across the rostrum
5 and public notice provided. This announcement constitutes first
6 reading, and no debate or motion is in order except that a
7 Senator may question adherence to rules. Acknowledgment by the
8 Secretary of the Senate of receipt of legislation transmitted
9 from the House commences the time limit for consideration of the
10 legislation. All legislation received by the Senate may be
11 referred to a committee prior to being read across the rostrum.

12 (2) Bills and resolutions preintroduced as provided in
13 Joint Rule 40-40 may be assigned to committee and printed prior
14 to the legislative session. The Legislative Services Division is
15 responsible for ensuring the preintroduction intent from each
16 Senator and presenting the preintroduced legislation to the
17 Secretary of the Senate.

18 (3) Upon referral to committee, the Secretary of the Senate
19 shall publicly post a listing of the bill or resolution by a
20 summary of its title, together with a notation of the committee
21 to which it has been assigned.

22 (4) The sponsor may ask the Legislative Services Division
23 to change or correct a short title used on the bill status
24 system.

25 **S40-30. Additional sponsors.** (1) Additional sponsors may be
26 added on motion of the chief sponsor at any time prior to a
27 standing committee report on the bill or resolution. Forms for

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As of: November 16, 2010 (2:27pm)

LC9002

1 adding sponsors will be supplied on request by the Secretary of
2 the Senate.

3 (2) Upon passage of the motion, the names of the additional
4 sponsors will be printed in the journal and the form containing
5 the signatures of the additional sponsors will be forwarded to
6 the Legislative Services Division with the original bill for the
7 inclusion of the names in subsequent printings of the bill or
8 resolution.

9 **S40-40. Reading limitations.** (1) Every bill must be read
10 three times prior to passage, either by title or by summary of
11 title as provided in these rules.

12 (2) A bill or resolution may not have more than one reading
13 on the same day except the last legislative day.

14 (3) An amendment may not be offered on third reading.

15 **S40-60. Scheduling for second reading.** (1) All bills and
16 resolutions that have been reported by a committee or withdrawn
17 from a committee by motion, accepted by the Senate, and
18 reproduced must be scheduled for consideration by Committee of
19 the Whole prior to the transmittal deadlines provided for in
20 JR40-200 that are applicable to each bill or resolution.

21 (2) Until the 50th legislative day, 1 day must elapse
22 between receiving the legislation from printing and scheduling
23 for second reading for consideration by Committee of the Whole
24 unless a printed version of an unamended bill is available.

25 (3) The majority leader shall arrange legislation on the
26 agenda in the order in which the bills will be considered, unless
27 otherwise ordered by the Senate or Committee of the Whole.

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As of: November 16, 2010 (2:27pm)

LC9002

CHAPTER 5

Floor Action

S50-10. Attendance -- mandatory voting -- quorum. (1)

Unless excused, Senators must be present at every sitting of the Senate and shall vote on questions put before the Senate.

(2) A majority of the Senate shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent Senators, in the manner and under penalties as the Senate may prescribe (Montana Constitution, Art. V, sec. 10(2)).

S50-20. Orders of business. After prayer, roll call, and report on the journal, the order of business of the Senate is as follows:

- (1) communications and petitions;
- (2) reports of standing committees;
- (3) reports of select committees;
- (4) messages from the Governor;
- (5) messages from the House of Representatives;
- (6) motions;
- (7) first reading and commitment of bills;
- (8) second reading of bills (Committee of the Whole);
- (9) third reading of bills;
- (10) unfinished business;
- (11) special orders of the day; and
- (12) announcement of committee meetings.

To revert to or pass to a new order of business requires only a majority vote. Unless otherwise specified in the motion to

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As of: November 16, 2010 (2:27pm)

LC9002

1 recess, the Senate shall revert to Order of Business No. 1 when
2 reconvening after a recess.

3 **S50-30. Limitations on debate.** A Senator may not speak more
4 than twice on any one motion or question without unanimous
5 consent of the Senate, unless the Senator has introduced or
6 proposed the motion or question under debate, in which case the
7 Senator may speak twice and also close the debate. However, a
8 Senator who has spoken may not speak again on the same motion or
9 question to the exclusion of a Senator who has not spoken.

10 **S50-40. Procedure upon offering a motion.** (1) When a motion
11 is offered it must be restated by the presiding officer. If
12 requested by the presiding officer or a Senator, it must be
13 reduced to writing, presented at the rostrum, and read aloud by
14 the Secretary.

15 (2) A motion may be withdrawn by the Senator offering it at
16 any time before it is amended or voted upon.

17 **S50-50. Precedence of motions.** (1) When a question is under
18 debate only the following privileged and subsidiary motions may
19 be made:

- 20 (a) to adjourn (nondebatable S50-60);
- 21 (b) for a call of the Senate (nondebatable S50-60);
- 22 (c) to recess (nondebatable S50-60);
- 23 (d) question of privilege;
- 24 (e) to lay on the table (nondebatable S-50-60);
- 25 (f) for the previous question (nondebatable S50-60);
- 26 (g) to postpone to a certain day;
- 27 (h) to refer or commit;

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As of: November 16, 2010 (2:27pm)

LC9002

1 (i) to amend; and

2 (j) to postpone indefinitely.

3 (2) The motions listed in subsection (1) have precedence in
4 the order listed.

5 (3) A question may be indefinitely postponed by a majority
6 roll call of all Senators present and voting. When a bill or
7 resolution is postponed indefinitely, it is finally rejected and
8 may not be acted upon again except upon a motion of
9 reconsideration as provided in S50-90.

10 (4) A motion or proposition on a subject different from
11 that under consideration may not be accepted unless a substitute
12 motion is in order.

13 **S50-60. Nondebatable motions.** The following motions are not
14 debatable:

15 (1) to adjourn;

16 (2) for a call of the Senate;

17 (3) to recess or rise;

18 (4) for parliamentary inquiry;

19 (5) for suspension of the rules;

20 (6) to lay on the table;

21 (7) for the previous question;

22 (8) to limit, extend the limits of, or to close debate;

23 (9) to amend an undebatable motion;

24 (10) to ~~divide a question~~ change a vote (S50-200);

25 (11) to pass business in Committee of the Whole;

26 (12) to take from the table;

27 (13) a decision of the presiding officer, unless appealed or

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As of: November 16, 2010 (2:27pm)

LC9002

1 unless the presiding officer submits the question to the Senate
2 for advice or decision; and

3 (14) all incidental motions, such as motions relating to
4 voting or other questions of a general procedural nature.

5 **S50-70. Amending motions -- restrictions.** (1) Subject to
6 subsection (2), no more than one amendment and no more than one
7 substitute motion may be made to a motion. This rule permits the
8 main motion and two modifying motions.

9 (2) A motion for a call of the Senate, for the previous
10 question, to table, or to take from the table may not be amended.

11 **S50-80. Previous question.** (1) Except as provided in
12 subsection (2), the effect of calling for the previous question,
13 if adopted, is to close debate immediately, to prevent the
14 offering of amendments or other subsidiary motions, and to bring
15 to vote promptly the immediately pending main question and the
16 adhering subsidiary motions, whether on appeal or otherwise. The
17 motion for the previous question is nondebatable as provided in
18 S50-60 (7).

19 (2) When the previous question is ordered on any debatable
20 question on which there has been no debate, the question may be
21 debated for one-half hour, one-half of that time to be given to
22 the proponents and one-half to the opponents. The sponsor of the
23 main motion on which the previous question is adopted may close
24 on the motion regardless of whether debate on the main motion has
25 occurred.

26 (3) A call of the Senate is not in order after the previous
27 question is ordered unless it appears upon an actual count by the

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As of: November 16, 2010 (2:27pm)

LC9002

1 presiding officer that a quorum is not present.

2 **S50-90. Reconsideration -- time restrictions.** (1) Any
3 Subject to subsection (6), any Senator may, on the day the vote
4 was taken or on the next day the Senate is in session, move to
5 reconsider the question. A motion to reconsider is a debatable
6 motion, but the debate is limited to the motion. The debate on a
7 motion to reconsider may not address the substance of the matter
8 for which reconsideration is sought. However, an inquiry may be
9 made concerning the purpose of the motion to reconsider.

10 ~~(2) A motion to reconsider may not be withdrawn after the~~
11 ~~next legislative day without the unanimous consent of the Senate,~~
12 ~~and thereafter any Senator may call it up for consideration. A~~
13 ~~motion to reconsider must be disposed of when made unless a~~
14 ~~proper substitute motion is made and adopted.~~

15 (3) A motion to recall a bill from the House of
16 Representatives constitutes notice to reconsider and must be
17 acted on as a motion to reconsider. A motion to reconsider or to
18 recall a bill from the House of Representatives may be made only
19 under Order of Business No. 6 and, under that order of business,
20 takes precedence over all motions except motions to recess or
21 adjourn.

22 (4) When a motion to reconsider is laid on the table, a
23 two-thirds majority is required to take it from the table. When a
24 motion to reconsider fails, the question is finally and
25 conclusively settled.

26 (5) If a motion to reconsider third reading action is
27 carried, there may not be further action until the succeeding

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As of: November 16, 2010 (2:27pm)

LC9002

1 legislative day.

2 (6) If the Senate has adjourned for more than 2 days, then
3 a motion to reconsider action taken on the last day the Senate
4 was in session is in order on the day the Senate reconvenes or on
5 the following legislative day.

6 **S50-100. Dividing a question -- segregation excluded.** A
7 Senator may request to divide a question if it includes two or
8 more propositions so distinct in substance that if one thing is
9 taken away a substantive question will remain. A vote is not
10 required on a request to divide a question, but the chair may
11 rule that a question is not divisible. The ruling of the chair
12 may be appealed as provided in S20-10 and S20-20. For an appeal
13 of a ruling of the presiding officer, the question for the Senate
14 must be stated as, "Shall the ruling of the chair be upheld". A
15 motion to segregate pursuant to S50-140(4) is not a request to
16 divide a question.

17 **S50-110. Rules for questions or bills requiring other than a**
18 **majority vote.** (1) ~~When~~ Except as provided in subsection (2), a
19 question or bill requires more than a majority vote for final
20 passage, a majority vote is sufficient to decide any question
21 relating to the question or bill prior to third reading.

22 (2) Any vote in the Senate on a bill proposing an amendment
23 to the Montana Constitution under circumstances in which there
24 exists the mathematical possibility of obtaining the necessary
25 two-thirds vote of the Legislature will cause the bill to
26 progress as though it had received the majority vote. This rule
27 does not prevent a committee from indefinitely postponing or

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As of: November 16, 2010 (2:27pm)

LC9002

1 tabling a bill proposing an amendment to the Montana
2 Constitution.

3 (3) If a bill has been amended in the House of
4 Representatives and the amendments are accepted by the Senate,
5 the bill must again be placed on third reading in the Senate to
6 determine if the required number of votes has been cast.

7 **S50-120. Committee reports to Senate -- reconsideration. (1)**

8 Reports of standing committees must be read on Order of Business
9 No. 2, and, subject to subsection (4), debate may not be had on
10 any report.

11 (2) On an adverse committee report, the sponsor may respond
12 to the chair of the committee making the report.

13 (3) Any Senator seeking a reconsideration of the Senate's
14 action on the adoption of a committee report shall do so on Order
15 of Business No. 6 by motion to reconsider as provided in S50-90.
16 Any Senator may make the reconsideration motion and need not have
17 voted on the prevailing side. This rule applies notwithstanding
18 any joint rule to the contrary. The Subject to S50-90(6), the
19 reconsideration motion must be made within 1 legislative day of
20 the adoption of the committee report and is not in order if the
21 bill has been considered in Committee of the Whole.

22 (4) (a) Subject to subsection (4)(b), the Rules Committee
23 and conference committees may report at any time, except during a
24 call of the Senate, when a vote is being taken, or during
25 Committee of the Whole.

26 (b) The Rules Committee may report during Committee of the
27 Whole on matters referred to the Committee by the Committee of

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As of: November 16, 2010 (2:27pm)

LC9002

1 the Whole.

2 **S50-130. Conference committee -- reports.** (1) When a
3 conference committee report is filed with the Secretary of the
4 Senate, the report must be read under Order of Business No. 3,
5 select committees, and placed on the calendar the succeeding
6 legislative day for consideration on second reading. If
7 recommended favorably by the Committee of the Whole, it may be
8 considered on third reading the same legislative day.

9 (2) If both the Senate and the House of Representatives
10 adopt the same conference committee report on legislation
11 requiring more than a majority vote for final passage, the
12 Senate, following approval of the conference committee report on
13 third reading, shall place the final form of the legislation on
14 third reading to determine if the required vote is obtained.

15 (3) If the Senate rejects a conference committee report,
16 the committee continues to exist unless dissolved by the
17 President or by motion. The committee may file a subsequent
18 report.

19 (4) A Senate conference committee may confer regarding
20 matters assigned to it with any House conference committee with
21 like jurisdiction and submit recommendations for consideration of
22 the Senate.

23 **S50-140. Second reading -- committee of the whole report --**
24 **segregation -- rejection.** (1) The Senate may resolve itself into
25 a Committee of the Whole for consideration of business on second
26 reading, by approval of a motion for that purpose.

27 (2) After a Committee of the Whole has been formed, the

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As of: November 16, 2010 (2:27pm)

LC9002

1 President shall appoint a chair to preside.

2 (3) All legislation considered in the Committee of the
3 Whole must be read by a summary of its title. The sponsor shall
4 make an opening statement, proposed amendments must be
5 considered, and then the bill must be considered in its entirety.

6 (4) Prior to adoption of the Committee of the Whole report,
7 a Senator may move to segregate legislation. If the motion
8 prevails, the legislation remains on second reading.

9 (5) When a Committee of the Whole report on legislation is
10 rejected, the legislation remains on second reading.

11 **S50-150. Committee of the Whole amendments.** (1) All
12 Committee of the Whole amendments must be prepared by the staff
13 of the Legislative Services Division, stipulating the date and
14 time of preparation and staff approval, and delivered to the
15 Secretary of the Senate for reading before the amendment is voted
16 on.

17 (2) Each amendment, rejected or adopted, must be printed in
18 the journal, along with the name of the sponsor and the vote on
19 each.

20 **S50-160. Motions in Committee of the Whole.** (1) All proper
21 motions on second reading are debatable unless specifically
22 specified.

23 (2) The only motions in order during Committee of the Whole
24 are to:

25 (a) ~~amend~~ recommend passage or nonpassage;

26 (b) ~~recommend passage or nonpassage concurrence or~~
27 nonconcurrence (House amendments to Senate legislation);

Unofficial Draft Copy

As of: November 16, 2010 (2:27pm)

LC9002

- 1 (c) ~~recommend concurrence or nonconcurrence~~ amend;
- 2 (d) indefinitely postpone;
- 3 (e) pass consideration;
- 4 (f) change the order in which legislation is placed on the
- 5 agenda (nondebatable S-50-60(14));
- 6 ~~(f)~~ (g) rise (nondebatable S50-60(3));
- 7 ~~(g)~~ (h) rise and report progress and ask leave to sit again
- 8 (nondebatable S50-60(3)); or
- 9 ~~(h)~~ (i) rise and report progress and ask leave to sit again
- 10 (nondebatable S50-60(3)); or
- 11 ~~(i) change the order in which legislation is placed on the~~
- 12 ~~agenda.~~

13 (3) The motions listed in subsection (2) may be made in

14 descending order as listed.

15 **S50-170. Committee of the Whole -- generally.** (1) The

16 Committee of the Whole may not appoint subcommittees.

17 (2) The Committee of the Whole may not punish its members

18 for misconduct, but may report disorder to the Senate.

19 **S50-180. Voting on second reading -- positive disposition of**

20 **motions.** (1) On Order of Business No. 8, in addition to other

21 methods, a recorded vote may be made in the following manner: the

22 chair may call for a voice vote to accept or reject a question.

23 If the vote is other than unanimous, the chair may ask that the

24 lesser number on the question indicate their vote by standing.

25 The Secretary will then record the vote of those standing. The

26 chair may then rule that unless excused those not standing and

27 present have voted on the prevailing side of the question and

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As of: November 16, 2010 (2:27pm)

LC9002

1 that their vote be recorded as voting on the prevailing side. If
2 there was a unanimous voice vote, all those present will be
3 recorded as having voted for the question.

4 (2) A motion on second reading must be disposed of by a
5 positive vote.

6 **S50-190. Third reading procedure.** (1) Unless rereferred to a
7 committee by a majority vote after the adoption of the committee
8 of the whole report but before moving to another order of
9 business, all legislation passing second reading must be placed
10 on third reading the day following the receipt of the engrossing
11 or other appropriate printing report.

12 (2) On Order of Business No. 9 the Secretary shall read the
13 title and the President shall state the question as follows:

14 "Senate bill number (or other appropriate identification).....
15 having been read three several times, the question is, shall the
16 bill (or other appropriate identification) pass the Senate?"

17 (3) If an electronic voting system is used, the President
18 shall state "Those in favor vote yes and those opposed vote no"
19 and the Secretary will sound the signal and open the board for
20 voting. After a reasonable pause the presiding officer asks "Has
21 every member voted?" (reasonable pause), "Does any member wish to
22 change his or her vote?" (reasonable pause), "The Secretary will
23 record the vote."

24 **S50-200. Senate voting -- changing a vote -- objection.** (1)
25 A roll call vote must be taken on the request of two Senators, if
26 the request occurs before the vote is taken.

27 (2) On a roll call vote the names of the Senators must be

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As of: November 16, 2010 (2:27pm)

LC9002

1 called alphabetically, unless an electronic voting system is
2 used. A Senator may not vote after the decision is announced from
3 the chair. A Senator may not explain a vote until after the
4 decision is announced from the chair.

5 (3) A Senator may move to change the Senator's vote, on any
6 recorded vote, within 1 legislative day of the vote. The Senator
7 making the motion shall first specify the bill number, the date
8 of the vote, and the original vote tally. A vote may not be
9 changed if it would affect the outcome of legislation. The motion
10 is nondebatable. If none of the Senators present object, the
11 change must be entered into the journal.

12 (4) If any Senator objects to the request in subsection
13 (3), the Senator making the request may move to suspend the rules
14 to allow the Senator to change the Senator's vote.

15 (5) An error caused by a malfunction of the voting system
16 may be corrected without a vote within 10 minutes of the
17 malfunction.

18 **S50-210. Pairs -- committee of the whole restriction. (1)**

19 Two Senators may pair on a question that will be determined by a
20 majority vote. On a question requiring a two-thirds vote for
21 adoption, three Senators may pair, with two Senators for the
22 question and one Senator against. Pairing is permitted only when
23 one of the paired Senators is excused when the vote is taken.

24 (2) An agreement to pair must be in writing and dated and
25 signed by the Senators agreeing to be bound and must specify the
26 duration of the pair. When an agreement to pair is filed with the
27 Secretary of the Senate, it binds the Senators signing until the

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As of: November 16, 2010 (2:27pm)

LC9002

1 expiration of time for which it was signed, unless the paired
2 Senators sooner appear and ask that the agreement be canceled.

3 (3) Pairs in Committee of the Whole are prohibited.

4 **S50-220. Call of the Senate.** (1) In the absence of a quorum,
5 a majority of Senators present may compel the attendance of
6 absent Senators by ordering a call of the Senate.

7 (2) If a quorum is present, five Senators may order a call
8 of the Senate.

9 (3) On a call of the Senate, a Senator who refuses to
10 attend may be arrested by the Sergeant-at-Arms or any other
11 person, as the majority of the Senators present direct. When the
12 attendance of an absent Senator is secured and the Senate refuses
13 to excuse the Senator's absence, the Senator may not be paid any
14 expense payments while absent and is liable for the expenses
15 incurred in procuring the Senator's attendance.

16 (4) During a call of the Senate, all business must be
17 suspended. After a call has been ordered, no motion is in order
18 except a motion to adjourn or remove the call. The call may be
19 removed by a two-thirds vote of the members present.

20 **S50-230. House amendments to Senate legislation.** (1) When
21 the House has properly returned Senate legislation with House
22 amendments, the Senate shall announce the amendments on Order of
23 Business No. 5 and the President shall place them on second
24 reading for debate. The President may rerefer Senate legislation
25 with House amendments to a committee for a hearing if the House
26 amendments constitute a significant change in the Senate
27 legislation. The second reading vote is limited to consideration

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As of: November 16, 2010 (2:27pm)

LC9002

1 of the House amendments.

2 (2) If the Senate accepts House amendments, the Senate
3 shall place the final form of the legislation on third reading to
4 determine if the legislation, as amended, is passed or if the
5 required vote is obtained.

6 (3) If the Senate rejects the House amendments, the Senate
7 may request the House to recede from its amendments or may direct
8 appointment of a conference committee and request the House to
9 appoint a like committee.

10 **S50-240. Governor's amendments.** (1) When the Governor
11 returns a bill with recommended amendments, the Senate shall
12 announce the amendments under Order of Business No. 4.

13 (2) The Senate may debate and adopt or reject the
14 Governor's recommended amendments on second reading on any
15 legislative day.

16 (3) If both the Senate and the House of Representatives
17 accept the Governor's recommended amendments on a bill that
18 requires more than a majority vote for final passage, the Senate
19 shall place the final form of the legislation on third reading to
20 determine if the required vote is obtained.

21 **S50-250. Governor's veto.** (1) When the Governor returns a
22 bill with a veto, the Senate shall announce the veto under Order
23 of Business No. 4.

24 (2) On any legislative day, a Senator may move to override
25 the Governor's veto by a two-thirds vote under Order of Business
26 No. 6.

CHAPTER 6

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As of: November 16, 2010 (2:27pm)

LC9002

Rules

S60-10. Senate rules -- amendment -- adoption -- suspension.

(1) A motion to amend or adopt a rule of the Senate must be referred to the Rules Committee without debate. A rule of the Senate may be amended or adopted only with the concurrence of a majority of the Senate and after 1 day's notice.

(2) A rule may be suspended temporarily by a two-thirds vote.

S60-20. Mason's Manual of Legislative Procedure. Mason's Manual of Legislative Procedure (2000) governs the proceedings of the Senate in all cases not covered by these rules.

CHAPTER 7

Nominations from the Governor

S70-10. Nominations. (1) The Governor shall nominate and, by and with the consent of the Senate, appoint all officers whose offices are established by the Montana Constitution or which may be created by law and for whom appointment or election is not otherwise provided.

(2) If during a recess of the Senate a vacancy occurs in any office subject to Senate confirmation, the Governor shall appoint some fit person to discharge the duties of the office until the next meeting of the Senate, when the Governor shall nominate a person to fill the office.

S70-20. Introduction and first reading of nominations. (1) Nominations received from the Governor must be:

- (a) received by the President;
- (b) delivered to the Secretary of the Senate;

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As of: November 16, 2010 (2:27pm)

LC9002

1 (c) read under Order of Business No. 4, messages from the
2 Governor; and

3 (d) referred to committee. The President of the Senate may
4 refer any individual nomination contained in a list received from
5 the Governor to any standing committee.

6 (2) The procedure in subsection (1) constitutes
7 introduction and first reading of the nominations.

8 (3) The Secretary shall distribute a copy of the list of
9 nominations to each Senator.

10 **S70-30. Committee process -- preliminary reports -- separate**
11 **consideration.** (1) (a) The committee shall research each nominee
12 and may request biographical information from the Governor for
13 each nominee if none has been provided.

14 (b) The committee chair shall submit a bill draft request
15 on behalf of the committee for a simple resolution to include the
16 nominee submitted to the committee or for a group of nominees,
17 the nominees specified by the committee chair. These bill draft
18 requests will not count against any bill draft request limit
19 imposed on members. When the resolution has been prepared and
20 introduced, the committee shall hold a hearing on the resolution
21 after appropriate public notice has been ~~made~~ given.

22 (2) Following the hearings for a group of nominees, the
23 committee shall issue preliminary standing committee reports to
24 be distributed to each Senator, stating the committee's
25 recommendations concerning the nominees. A preliminary standing
26 committee report is not required for a resolution for a single
27 nominee pursuant to subsection (5).

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As of: November 16, 2010 (2:27pm)

LC9002

1 (3) (a) If a Senator wishes to have an individual nominee,
2 or group of nominees, considered by the Senate separately from
3 the group of nominees recommended by the committee, the Senator
4 may request of the chair of the committee that the nominee or
5 nominees be considered by a separate resolution.

6 (b) A Senator shall request separate consideration of a
7 nominee within 3 days of receipt of the preliminary standing
8 committee report. The committee chair shall honor this request.

9 (4) After waiting 3 days from the day of distribution of
10 the preliminary standing committee report, the committee chair
11 shall issue a final standing committee report and deliver the
12 report to the Secretary of the Senate.

13 (a) If a nominee is to be separated from the resolution,
14 the final standing committee report must include an amendment
15 deleting that nominee.

16 (b) When a nominee has been separated at the request of a
17 Senator or when a single nomination has been submitted to a
18 committee, the committee chair shall submit a bill draft request
19 on behalf of the committee for a simple resolution to include
20 only the single or separated nominee ~~so separated~~. When the
21 resolution has been prepared and introduced, the committee shall
22 take executive action on the resolution. When a hearing on the
23 separated nomination was held prior to the committee's
24 preliminary standing committee report, an additional hearing is
25 not required to be held before the committee takes action on the
26 separate resolution. After the committee's executive action, the
27 committee chair shall issue a standing committee report.

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As of: November 16, 2010 (2:27pm)

LC9002

1 (5) If a resolution contains only one nominee, the
2 committee shall dispense with the preliminary standing committee
3 report and shall issue a final standing committee report to be
4 distributed to each Senator stating the committee's
5 recommendation concerning the nominee.

6 (6) The Secretary will read the reports under Order of
7 Business No. 2, reports of standing committees.

8 (7) After the report has been read, the resolution must be
9 placed on Order of Business No. 11 the next legislative day for
10 consideration by the Senate. Motions to approve or disapprove of
11 the resolution are in order and may be debated.

12 **Appendix A**

13 List of Questions Requiring Other Than a Majority Vote
14 The following questions require the vote specified:

15 (1) a call of the Senate with a quorum pursuant to
16 S50-220(2). (five Senators);

17 (2) a motion to lift a call of the Senate pursuant to
18 S50-220(4) (two-thirds of the members present);

19 (3) a motion to amend or suspend rules pursuant to S60-10
20 (two-thirds);

21 (4) a motion to override the Governor's veto pursuant to
22 S50-250 and Article VI, section 10(3), of the Montana
23 Constitution (two-thirds);

24 (5) a motion to approve a bill to appropriate the principal
25 of the coal trust fund pursuant to Article IX, section 5, of the
26 Montana Constitution (three-fourths of each house);

27 (6) a motion to approve a bill to appropriate highway

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As of: November 16, 2010 (2:27pm)

LC9002

1 revenue as described in Article VIII, section 6, of the Montana
2 Constitution for purposes other than those described in that
3 section (three-fifths of each house);

4 (7) a motion to approve a bill proposing to amend the
5 Montana Constitution pursuant to Article XIV, section 8, of the
6 Montana Constitution (two-thirds of the entire Legislature);

7 (8) an appeal of the ruling of the presiding officer
8 pursuant to S20-10 (one Senator, seconded by two other Senators);

9 (9) a motion to approve a bill conferring immunity from
10 suit as described in Article II, section 18, of the Montana
11 Constitution (two-thirds);

12 (10) a motion to approve a bill to appropriate the principal
13 of the tobacco settlement trust fund pursuant to Article XII,
14 section 4, of the Montana Constitution (two-thirds); and

15 (11) a motion to appropriate the principal of the noxious
16 weed management trust fund pursuant to Article IX, section 6, of
17 the Montana Constitution (three-fourths).

18
19 - END -

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